

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Robin Black,

Plaintiff,

Case No.3:21-cv-00023

v.

**SunPath Ltd., Vehicle Activation
Department d/b/a VAD,
Northcoast Warranty Services, Inc., and
Celtic Marketing, LLC d/b/a CM Auto
CA,**

Defendants.

JOINT STATUS REPORT REGARDING SETTLEMENT

Plaintiff, Robin Black, through her undersigned counsel and Defendants SunPath Ltd., and Northcoast Warranty Services, Inc. hereby submit their Joint Status Report:

Plaintiff's Position

The Parties have negotiated and discussed settlement at length. The Parties appear to be at a standstill and a settlement does not appear imminent at this time. The Parties will nonetheless continue to cooperate and work together in good faith. Plaintiff has proposed a settlement conference or mediation to defense counsel, but it does not appear the Defendants are interested in such a process.

The Parties have exchanged written discovery and conducted depositions. Given the completion of discovery, the standstill in settlement talks and the Defendants' lack of desire to participate in ADR, Plaintiff believes the case is ready to be listed for trial.

Defendants' Position

Defendants SunPath Ltd. ("SunPath") and Northcoast Warranty Services, Inc. ("Northcoast") also represent that the parties have engaged in settlement discussions since the outset of this matter, but are currently at an impasse.

SunPath and Northcoast have filed a Motion to Dismiss Plaintiff's Complaint, ECF No. 16, which remains pending, and if granted will result in the dismissal of Plaintiff's Complaint, ECF No. 1, in its entirety. Furthermore, the parties have completed discovery, and SunPath and Northcoast intend to move for summary judgment. The Court's rulings on SunPath and Northcoast's Motion to Dismiss and forthcoming Motion for Summary Judgment may result in the dismissal in some or all of Plaintiff's claims in this matter.

SunPath and Northcoast's position is that mediation or ADR proceedings would only be productive once the Court rules on these motions, to the extent any claims have not been resolved at that point. SunPath and Northcoast similarly take the position that this case should not be set for trial until their Motion to Dismiss and forthcoming Motion for Summary Judgment are resolved.

Respectfully Submitted

Date: 2-11-2022

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